IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WA.No. 1590 of 2004()

AGAINST THE JUDGMENT/ORDER IN WPC.1805/2004 Dated 16/01/2004
.....

APPELLANTS: RESPONDENTS
----

1. STATE OF KERALA REP. BY PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE CHIEF ENGINEER, PWD, TRIVANDRUM.

3. THE ASSISTANT EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, ROADS DIVISION, KOLLAM.

4. THE ACCOUNTANT GENERAL (A&E), KERALA.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

RESPONDENT: RESPONDENT

M.NAZIMUDDIN, EXECUTIVE ENGINEER (RTD), SOMEE, PRATHIBHA JUNCTION, KADAPPAKKAD P.O., KOLLAM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.PEARLY JOSE
SRI.S.VISHNU
SRI.MANOJ RAMASWAMY
SMT.VIVEEJA RAVEENDRAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

==========

W.A. NO. 1590 OF 2004

==========

Dated this the 12th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

The issue raised is already covered by the judgment of this court in **State of Kerala v. Saiful Islam (2006(1) KLT 619)**. Learned Single Judge granted relief placing reliance on the judgment in **Saiful Islam v. State of Kerala (2003(3) KLT 384)**, which has been reversed by the above mentioned judgment. Writ appeal is allowed and the judgment of the learned Single Judge is set aside.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp